

**Acton Survey & Engineering, Inc.**  
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July 13, 2007

Acton Conservation Commission  
472 Main Street  
Acton, MA 01720

Re: Jeanson Homes Inc. Lots 2C & 3 Spring Hill Road  
DEP 085-0971, AS&E 6562

Dear Commission Members:

The purpose of this letter is to respond to your inquiry e-mailed to this office earlier this morning, before your normally enforced 1:00 PM deadline.

1. This office was informed of only one potential vernal pool which was examined and reported on in our June 26<sup>th</sup> letter to the Commission. That reported potential vernal pool was found, by observation, to be hydraulically connected to the fire pond at high water levels. Due to the presence of fish within the pond and hydraulic connection, the depression cannot be a vernal pool.

We have observed the area between the intermittent stream, parallel to Spring Hill Road, and the upland area subject to alterations and find no potential vernal pools. Any pools between the intermittent stream and Spring Hill Road will be offset over 100 feet from proposed alterations.

2. The Wetland Protection Act 310 CMR 10.53(3)(e) allows access to upland areas and the Acton Wetlands Bylaw does not prohibit wetland crossings.
3. Right to access was addressed in our letter of June 26<sup>th</sup>, under Status of Easement, and a copy of the deed referencing the use of the easement was attached to that letter.
4. Both the Wetlands Protection Act and the Acton Wetlands Bylaw do not require proof of hardship to allow a wetland alteration. The loss in land value exceeding \$ 500,000 could be considered a hardship.

5. The deed submitted to the Commission with our letter of June 26<sup>th</sup> allows access across the property containing 8 Spring Hill Road.

We have enclosed a copy of our letter of June 26, 2007 and the materials enclosed therewith are attached.

Very truly yours,  
Mark T. Donohoe, PE

cc: Jeanson Homes, inc.



For:  
Acton Survey & Engineering, Inc.